Alberto Fernandez
CDCR #F-25887
Mule Creek State Prison
P.O. Box 409040
Ione, CA 95640

Proceeding pro se

FILED
AUG 1 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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ALBERTO FERNANDEZ,

Petitioner,

v.

M. MARTEL, Warden,

Respondent.

No. 08-0816 JLS (CAB)

PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE TRAVERSE

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Petitioner, a state prisoner proceeding pro se, filed a Petitioner for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254. On May 8, 2008, respondent was directed to file an Answer to the Petition by July 14, 2008. Petitioner's Traverse is due on August 14, 2008.

For the reasons stated below, supported by the attached declaration, petitioner respectfully requests a 30-day extension of time, to and including September 14, 2008, to file and serve his Traverse to Respondent's Answer to Petition for Writ of Habeas Corpus.

GROUNDS

1. Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 2254.

2. On May 8, 2008, the Court ordered respondent to file an Answer to the Petition by July 14, 2008.

3. The Court ordered petitioner to file his Traverse by August 14, 2008.

4. Petitioner's primary language is Spanish and he is currently a patient in the mental health program.

5. Petitioner requires the help of other inmates to assist him with his habeas action as he is unable to do so on his own.

6. Petitioner needs additional time to conduct the necessary research and preparation in order to adequately prepare his Traverse.

7. Petitioner has not sought or obtained any previous extensions of time with regard to the pending action, and this request is not being made for any purpose of harassment or *delay* or any improper purpose.

8. Accordingly, petitioner respectfully requests a 30-day extension of time, to and including September 14, 2008, to file and serve his Traverse in this matter.

Dated: 4/12/08

Respectfully submitted,

[signature]

Alberto Fernandez

Petitioner pro se

DECLARATION OF ALBERTO FERNANDEZ

I, Alberto Fernandez, do hereby declare as follows:

1. I filed a habeas action in this court pursuant to 28 U.S.C. 2254.

2. On May 8, 2008, the Court ordered respondent to file an Answer to the Petition by July 14, 2008.

3. The Court ordered that I file my Traverse by August 14, 2008.

4. My primary language is Spanish. I do not understand English very well. I have difficulty understanding what my rights are.

5. I am relying on the assistance of another inmate to help file my Traverse. I can not do so on my own.

6. I have not sought any previous extensions of time and I am not doing so now to harass or delay or for any other improper purpose.

I, Alberto Fernandez, declare under the penalty of perjury that the above is true and correct and that this declaration was executed on this 12th day of August 2008, at Ione, California.

Alberto Fernandez
Declarant

DECLARATION OF SERVICE BY MAIL

CASE NAME: FERNANDEZ V. MARTEL

NO.: 08-0816 JLS (CAB)

I declare:

I am 18 years of age or older and am not party to this matter. I am familiar with the processing of legal mail for collection and mailing with the United States Postal Service here at Mule Creek State Prison. In accordance with that practice, legal correspondence placed in the prison mail box is deposited with the U.S. Postal Service on the following day.

On August 12, 2008, I served a copy of **PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE TRAVERSE** by placing a true copy thereof enclosed in a sealed envelope with postage to be charged to my prison account addressed as follows:

Kristen K. Chenelia
Attorney General
110 West A Street, Suite 1100
P.O. Box 85266
San Diego, Ca 92101

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 12, 2008, at Ione, California.

Victor Castelan
Declarant

Victor Castelan
Signature